

Atty. Dkt. No. 024051-0135

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gary Alan KEMP II et al.
Title: CLICK BASED TRADING WITH INTUITIVE GRID
DISPLAY OF MARKET DEPTH
Appl. No.: 09/590,692
Filing Date: 06/09/2000
Examiner: R. Weisberger
Art Unit: 3624
Confirmation No.: 2769

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REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT UNDER 35 U.S.C. §154 (b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants are in receipt of the Notice of Allowance dated February 10, 2004, allowing claims 22 - 70 and 89 - 95 and thank the Examiner for same. However, Applicants disagree with the Determination of Patent Term Adjustment under 35 USC 154(b) and present the following facts to support their contention that the patent term reward should be 443 days instead of 0 days.

Bases for the Adjustment: The correct patent term adjustment should be 443 days. Applicants believe that the additional 443 days are due based on 425 days beginning thirty (30) days after the filing of Applicants' Request for Continued Examination submitted to the Patent and Trademark Office (December 12, 2002) and receipt of the Notice of Allowance on February 10, 2004. These 425 days should be added to the PTO delay calculation. Applicants further believe that the calculation of Applicants' Total Delay is incorrectly set forth as 231 days instead of 154 days as

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indicated by our Patent Term Adjustment Calculation System (a copy of which is attached). Applicants received a Notice to File Missing Parts mailed August 3, 2000 and timely responded to this request on October 2, 2000. Therefore, the PTO incorrectly set forth a 46 day delay for responding to such. Applicants further believe that the PTO's calculation of 154 days delay between October 12, 2001 and March 12, 2002 is in error. Accordingly, Applicants should be granted an additional 443 days of patent term.

37 C.F.R. § 1.705(b)(2)(iii) statement: The above referenced file is the subject of a terminal disclaimer filed October 20, 2003 for Serial No. 09/590,692 and the related application Serial No. 09/894,637 both pending.

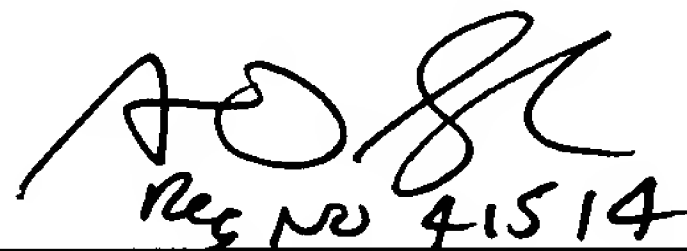
37 C.F.R. § 1.705(b)(2)(iv) statement: There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in § 1.704.

Enclosed with this request is the fee of \$200.00 as set forth in 37 C.F.R. §1.18(e). Furthermore, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date: March 5, 2004

By


Reg No 41514

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5485

Facsimile: (202) 672-5399

William T. Ellis

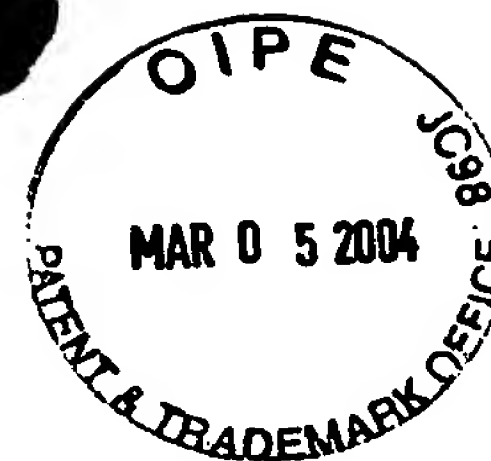
Attorney for Applicant

Registration No. 26,874

Patent Term Adjustment Calculation System

Add a new event to this case

Docket Number: 024051-0135
 Application Number: 09/590692
 Patent Number: N/A



| | Event Description | Event Date | Days from Filing | PTO Days | Applicant Days |
|--------------|--|------------|------------------|----------|----------------|
| Edit Delete | Application Filing Date | 06/09/2000 | 0 | | |
| Edit Delete | Notice to File Missing Parts | 08/03/2000 | 55 | | |
| Edit Delete | Response to Notice to File Missing Parts | 10/02/2000 | 115 | | |
| Edit Delete | PTO Action Response Received at PTO | 03/13/2001 | 277 | | |
| CLOSE WINDOW | ALL CASES SELECT CASE | | | | |
| Edit Delete | PTO Action | 06/08/2001 | 364 | | |
| | PTO Action + 3 months | 09/08/2001 | 456 | | |
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| | PTO Action Response Received at PTO + 4 months | 02/09/2002 | 610 | | |
| Edit Delete | Notice of Allowance | 07/31/2002 | 782 | 172 | |
| Edit Delete | Issue Fee Paid | 08/12/2002 | 794 | | |
| Edit Delete | Post-Allowance Document Received at PTO | 08/12/2002 | 794 | | |
| Edit Delete | Request For Continued Examination | 11/12/2002 | 886 | | |
| | PTO Action Response Received at PTO + 4 months | 12/12/2002 | 916 | | |
| | Post-Allowance Document Received at PTO + 4 months | 12/12/2002 | 916 | | 123 |
| Edit Delete | Notice of Allowance | 02/10/2004 | 1,341 | 425 | |
| | Projected Patent Grant Date | 08/24/2004 | 1,537 | | |
| | | Totals: | | 597 | 154 |
| | | PTA: | | 443 | |

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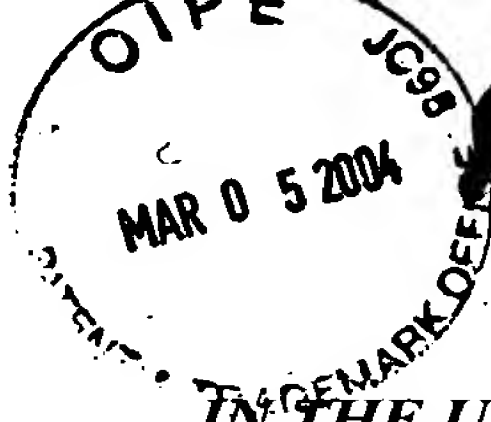
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FOLEY

LOGIN: Karyn-Ruth Crawley

IP: 10.31.8.222

Foley & Lardner LLP



Atty. Dkt. No. 024051-0135

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gary Alan KEMP II et al.

Title: CLICK BASED TRADING WITH INTUITIVE GRID DISPLAY
OF MARKET DEPTH

Appl. No.: 09/590,692

Filing Date: 06/09/2000

Examiner: R. Weisberger

Art Unit: 3624

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APPLICANTS' STATEMENT ON SUBSTANCE OF INTERVIEW

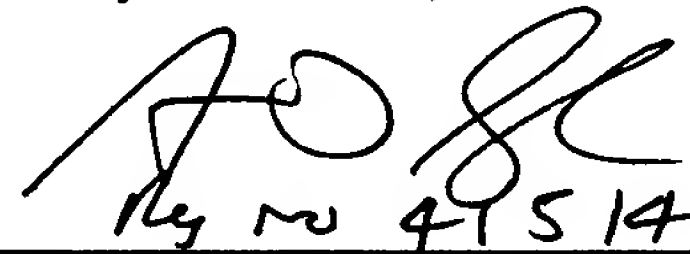
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Having reviewed the Interview Summary mailed on February 10, 2004 in the above-captioned application file, based on the telephonic Interview conducted on September 1, 2003, Applicants make the following clarifying remarks. Applicants agree with the substance of the Interview Summary as described by the Examiner. Applicants further point out for clarification that the product identified by Applicants that was referenced in the petition to make special in this case was the "DOME" screen of the J-Trader product.

Respectfully submitted,

By


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Date: March 5, 2004

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Attorney for Applicant

Registration No. 26,874



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Title: CLICK BASED TRADING WITH INTUITIVE GRID
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REQUEST FOR CLARIFICATION

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

We have recently received the Notice of Allowance in the above-identified case. In reviewing the Form PTO-37, the undersigned notes that the number of allowed Claims is listed as 54; Claims 22-70 and 89-93.

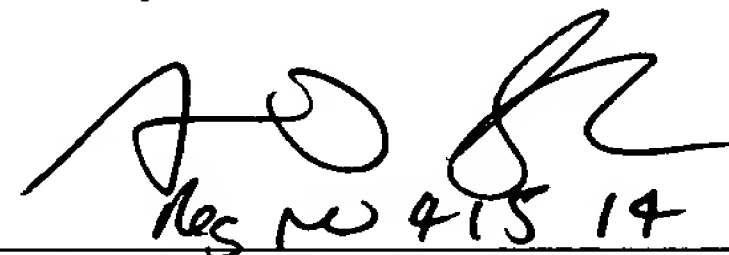
The allowed Claims are Claims 22-70 and Claims 89-95, the correct number of allowed claims is 56.

Therefore, it is requested that the Examiner issue corrected Form PTO-37, indicating that the number of allowed Claims in the application is 56, Claims 22-70 and Claims 89-95.

Respectfully submitted,

Date: March 5, 2004

By


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